

DOCUMENT RESUME

03281 - [A2273383]

[Untimely Protest]. B-189590. August 9, 1977. 1 pp.

Decision re: Elgin Sweeper Co.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law I.  
Budget Function: General Government: Other General Government (806).  
Organization Concerned: Department of the Army: Fort Dix, NJ.  
Authority: 4 C.F.R. 20.2(a).

The protester objected to any award of a contract for vacuum street sweepers, alleging that the specifications were restrictive of competition. Since the protest was not filed within 10 days of the agency's notification that it would not modify the specification, the protest was untimely and was not considered on its merits. (Author/SC)

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**DECISION**



*B. G. Dembling  
Proc. 7.*

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-139590

DATE: AU 9, 1977

MATTER OF: Elgin Sweeper Company

**DIGEST:**

Where protest is not filed with GAO within 10 working days of actual knowledge of initial adverse agency action, protest is untimely filed and not for consideration.

This is a protest by Elgin Sweeper Company (Elgin) against the award of a contract to any other bidder under invitation for bids (IFB) No. DABT35-77-B-0036, issued by the Department of the Army, Fort Dix, New Jersey, for vacuum street sweepers. Elgin contends that the specifications, as written, are restrictive and do not allow for competitive bidding in accordance with Department of Defense procurement regulations.

The record shows that Elgin protested the restrictive specifications to the procuring activity by letter dated June 9, 1977. On June 14, 1977, Elgin was orally advised by the procuring activity that it would not modify the specifications, thus denying Elgin's protest.

Our Bid Protest Procedures, specifically 4 C.F.R. § 20.2(a) (1976), require that a protest must be filed within 10 working days of the day the protester receives actual or constructive knowledge of the initial adverse agency action on its protest to the agency. Elgin's protest was received in our Office on July 13, 1977. Since this was more than 10 working days after Elgin was informed of the procuring activity's denial of its protest, the protest is untimely and not for consideration on the merits.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel